

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Xspedius Communications LLC,)	
)	
Complainant,)	
)	
v.)	File No. EB-03-MD-017
)	
Verizon Florida Inc. and)	
Verizon Maryland Inc.,)	
)	
Defendants.)	

ORDER

Adopted: January 11, 2005

Released: January 12, 2005

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On October 23, 2003, Xspedius Communications, LLC (“Xspedius”) filed a formal complaint¹ against Verizon Florida Inc. and Verizon Maryland Inc. (collectively, “Verizon”) pursuant to section 208 of the Communications Act of 1934, as amended (“Act”).² In its Complaint, Xspedius alleged, *inter alia*, that Verizon violated section 201(b) of the Act by refusing to pay Xspedius reciprocal compensation for the termination of traffic bound for internet service providers.³

2. On January 7, 2005, Xspedius and Verizon filed a Joint Motion requesting that the Complaint be dismissed with prejudice.⁴ Xspedius and Verizon state in the Joint Motion that

¹ Formal Complaint, File No. EB-03-MD-017 (filed Oct. 23, 2003) (“Complaint”).

² 47 U.S.C. § 208.

³ Complaint at 11-12, ¶¶ 39-49 (citing 47 U.S.C. § 201(b)).

⁴ Motion to Dismiss with Prejudice, File No. EB-03-MD-017 (filed Jan. 7, 2005) (“Joint Motion”). For three months prior to seeking dismissal, the parties made several joint requests seeking a stay of this proceeding to facilitate ongoing settlement discussions. *See, e.g.*, Letter from Brett H. Freedson, Kelley Drye & Warren LLP, counsel to Xspedius, to Marlene Dortch, Secretary, FCC (filed Oct. 20, 2004) (stating that both parties request a stay); Letter from Brett H. Freedson, Kelley Drye & Warren LLP, counsel to Xspedius, to Marlene Dortch, (continued....)

they have reached a mutually-acceptable resolution of their dispute.⁵

3. We are satisfied that dismissing the Complaint with prejudice will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated in section 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the Joint Motion IS GRANTED, that the Complaint IS DISMISSED WITH PREJUDICE, and that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau

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Secretary, FCC (filed Nov. 30, 2004) (stating that both parties request an additional stay); Letter from Brett H. Freedson, Kelley Drye & Warren LLP, counsel to Xspedius, to Marlene Dortch, Secretary, FCC (filed Dec. 10, 2004) (same).

⁵ Joint Motion at 2.